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## FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 00/00/201\_

To: General Counsel

Attn: Steven N. Siegel  
Deputy General Counsel, NSLB

[Counterintelligence/  
Counterterrorism/Cyber]

Attn: [UNIT]

[REQUESTING OFFICE]

Attn: SSA [SQUAD SUPERVISOR]  
SA [CASE AGENT]

[OFFICE OF ORIGIN]

Attn: SA [CASE AGENT]  
[SQUAD] [X]

[DELIVERING DIVISION]  
(if using personal service)

Attn: SSA [SQUAD SUPERVISOR]  
[SQUAD] [X]

From: [DRAFTING DIVISION]

[APPROVING OFFICIAL]

Contact: [CASE AGENT, 000-000-0000]

Approved By: [ADIC NAME (IF APPLICABLE)]

[SAC NAME]

[ASAC NAME]

[CDC NAME]

[SSA NAME]

Drafted By: [LAST, FIRST, MIDDLE: INITIALS]

Case ID #: (U) [CASE FILE NUMBER] (Pending)

(U) Title: ~~(S)~~

[SUBJECT]

[AKA] [ALIAS] (IF APPLICABLE)]

[FCI/IT - FOREIGN POWER]

[OO: OFFICE OF ORIGIN]

Synopsis: (U) (NSLETR) Approves the issuance of an Electronic Communication Privacy Act (ECPA) National Security Letter (NSL) for electronic communications transactional records and subscriber information; provides reporting data; and transmits the NSL to the appropriate division for delivery to the electronic communications service provider.

~~(S)~~

~~(U) Derived From : G-3~~

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To: General Counsel From: [DRAFTING DIVISION]  
Re: (U) [CASE FILE NUMBER], 00/00/201\_

Declassify On: ~~[10-25 years based on  
information in the EC].~~

(U) [Full/Preliminary] Investigation Initiated: [00/00/2008]

Reference: (U) [CASE FILE NUMBER Serial XXX]

Enclosure(s): (U) Enclosed for [DELIVERING DIVISION or OFFICE OF ORIGIN, depending on whether service is personal or through restricted delivery service or fax] is an NSL dated [00/00/2007], addressed to [COMPANY POC NAME], [TITLE, (if available)], [COMPANY NAME], [COMPANY ADDRESS - NO P.O. BOX], [CITY, STATE - NO ZIP CODE if using personal service], requesting the names, addresses, lengths of service, and electronic transactional records for the [e-mail/IP] address holder(s) listed.

(U) Details: ~~(S)~~ Brief explanation of why the NSL is being created

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(U) ~~(S)~~ A [FULL/PRELIMINARY] [FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM] investigation of subject, a [U.S. PERSON/NON-U.S. PERSON], was authorized in accordance with the Attorney General Guidelines because [Give a full explanation of the justification for opening and maintaining the investigation on the subject. Barebones facts will not suffice and will cause the request to be rejected for legal insufficiency]. These electronic communications transactional records are being requested to [Fully state the relevance of the requested records to the investigation].

(U) ~~(S)~~ Information is being sought on the following e-mail/IP address(es) [list the e-mail/IP address(es) or address holder(s) about which information is sought].

(U) ~~(S)~~ This electronic communication documents the [APPROVING OFFICIAL's] approval and certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL seeks electronic communication transactional records and subscriber information on [NUMBER OF] [e-mail/IP address(es)] from [ISP #1]; [NUMBER OF] [e-mail/IP address(es)] from [ISP #2], etc. [In the case of multiple addresses to the same ISP, if you know how many different persons attach to those addresses, please state. Provide the USP status of all the persons about whom the requests are seeking information, including the subject of the investigation. In other words, do your best to give as much information as you can, for congressional reporting purposes.]

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To: General Counsel From: [DRAFTING DIVISION]  
Re: (U) [CASE FILE NUMBER], 00/00/201\_

(U) Arrangements should be made with the electronic communications service provider to provide the records [personally to an employee of the DELIVERING division OR through use of a delivery service or secure fax to OFFICE OF ORIGIN] within [NUMBER OF] business days of receipt of this request. The electronic communications service provider should neither send the records through routine mail service nor utilize the name of the subject of the request in any telephone calls to the FBI.

[Certification and Activation of the Nondisclosure Requirement: There is no longer an automatic prohibition that prevents the recipient of a National Security Letter from disclosing that the FBI has requested the information. To activate the nondisclosure requirement, the senior FBI official approving this EC must use Option 1 below and include in the EC (but not in the NSL) a brief statement of facts that justify the nondisclosure requirement. Option 2 is to be used in all cases where Option 1 is not used.]

#### DISCLOSURE PROVISIONS

##### [Option 1 - Invoking Nondisclosure Requirement]

(U) In accordance with 18 U.S.C. § 2709(c) I, the senior official approving this EC, certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person.

(U) ~~(S)~~ Brief statement of the facts justifying my certification in this case:

##### [Option 2 - Declining to invoke the nondisclosure requirement]

(U) I, the senior official approving this EC, have determined that the facts of this case do not warrant activation of the nondisclosure requirements under the applicable National Security Letter statute.

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To: . General Counsel From: [DRAFTING DIVISION]  
Re: (U) [CASE FILE NUMBER], 00/00/201\_

[Include the next 2 paragraphs in all ECs.]

(U) Information received from an electronic communications service provider may be disseminated in accordance with the FBI's Domestic Investigations and Operations Guide (DIOG), and with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency.

(U) Any questions regarding the above can be directed to [CASE AGENT, telephone number (000) 000-0000].

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To: General Counsel From: [DRAFTING DIVISION]  
Re: (U) [CASE FILE NUMBER], 00/00/201\_

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs.

Set Lead 2: (Info)

[COUNTERINTELLIGENCE/COUNTERTERRORISM/CYBER]

AT WASHINGTON, DC

(U) At [UNIT] Read and Clear.

Set Lead 3: (Action)

[DELIVERING DIVISION - if using personal service]

[AT CITY, STATE]

(U) Deliver the attached NSL as indicated above. Upon receipt of information from the electronic communications service provider, [DELIVERING DIVISION] is requested to submit results to [DRAFTING DIVISION] and [OFFICE OF ORIGIN, if applicable].

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

[DRAFTING DIVISION]  
[STREET ADDRESS]  
[CITY, STATE, ZIP CODE]  
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [COMPLETE NAME OF POC]  
[TITLE, IF AVAILABLE]  
[NAME OF COMPANY]  
[PHYSICAL STREET ADDRESS - NO P.O. BOX]  
[CITY, STATE - NO ZIP CODE]

DEAR [MR./MRS./MS.] [LAST NAME]:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 18, United States Code (U.S.C.), Section 2709 (section 201 of the Electronic Communications Privacy Act, as amended), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names, addresses, and length of service and electronic communications transactional records, to include existing transaction/activity logs and all electronic mail (e-mail) header information, for the below-listed [e-mail/IP] address holder(s):

[E-mail/IP ADDRESS or ADDRESSES]

[ON A SPECIFIC DATE]

or

[FOR THE PERIOD FROM [SPECIFIC DATE] TO [SPECIFIC DATE]  
or [PRESENT]]

Please see the attachment following this letter for the types of information that you might consider to be a electronic communications transactional record. We are not directing that you should provide, and you should not provide, information pursuant to this letter that would disclose the content of any electronic communication. Title 18 United States Code Section 2510(8) defines content as "any information concerning the substance, purport, or meaning of" a communication. Subject lines of e-mails and message content are content information and should not be provided pursuant to this letter.

If the time period noted above is to the "present," that term is intended to direct production of information to the date of the processing of this letter. If providing information

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to the date of processing is not feasible, please provide information to the date of receipt of this letter.

While fulfilling your obligations under this letter, please do not disable, suspend, lock, cancel or interrupt service to the above-described subscriber(s) or accounts. A service interruption or degradation may alert the subscriber(s)/account users(s) that investigative action is being taken. If you are not able to fulfill your obligations under this letter without alerting the subscriber/account user, please contact the FBI prior to proceeding.

In accordance with Title 18, U.S.C., Section 2709(b), I certify that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement), then include the language in the following 3 paragraphs in the NSL.]

In accordance with 18 U.S.C. § 2709(c)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person. Accordingly, 18 U.S.C. § 2709(c)(1) and (2) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 18 U.S.C. § 2709(c)(3), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 18 U.S.C. § 2709(c)(4), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

[Include the following language in all NSLs.]

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful.

You also have the right to challenge the nondisclosure requirement set forth above. If you wish to make a disclosure that is prohibited by the nondisclosure requirement, you must notify the FBI, in writing, of your desire to do so within 10 calendar days of receipt of this letter. That notice must be mailed or faxed to [the XXXX] Division, attention: **CASE AGENT** (phone number: **xxxxx**), with a copy to FBI HQ, attention: General Counsel (fax number: 202-324-5366) and must reference the date of the NSL and the identification number on the upper left corner of the NSL. If you send notice within 10 calendar days, the FBI will initiate judicial proceedings in approximately 30 days in order to demonstrate to a federal judge the need for nondisclosure and to obtain a judicial order requiring continued nondisclosure. The nondisclosure requirement will remain in effect unless and until there is a final court order holding that disclosure is permitted.

If you do not send notice of your desire to disclose the NSL or the fact that you produced records in response to it within 10 calendar days of receipt, then the nondisclosure provision will remain in effect, subject to your opportunity to make an annual challenge to the nondisclosure requirement as provided by subsection 3511(b).

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

You are directed to provide records responsive to this letter [personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to [OFFICE OF ORIGIN] OR through secure fax] within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the [[DELIVERING DIVISION] OR [OFFICE OF ORIGIN], depending on whether service is personal or through a delivery service]. Due to security considerations, you should neither send the records through routine mail service nor non-secure fax, nor disclose the substance of this letter in any telephone conversation.

Your cooperation in this matter is greatly appreciated.



Sincerely,

[ADIC/SAC NAME]

[ASSISTANT DIRECTOR IN CHARGE/  
SPECIAL AGENT IN CHARGE]

In preparing your response to this National Security Letter, you should determine whether your company maintains the following types of information which may be considered by you to be an electronic communications transactional record in accordance with Title 18 United States Code Section 2709.

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